

Serial No.: 09/955,623
Examiner: Hayes, Michael J.
Art Unit: 3763

REMARKS

Claims 1-3, 7, 8, 15, 18 and 23 remain in the application. By this amendment claims 1 and 15 have been amended. The present application as originally filed supports this amendment. No new matter has been added.

Rejection of Claims 1-3, 7, 8, 15, 18 and 23 under 35 USC § 102(b)

Claims 1-3, 7, 8, 15, 18 and 23 have been rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,993,423 to Choi. In response, applicant has amended independent claim 1 to more clearly define the present invention. Applicant submits that claim 1 is now patentability over Choi.

Applicant would like to thank the examiner for conducting an interview on April 2, 2004, with Applicant's attorney Mark Lappin. During the interview, attorney Lappin proposed the amendments to independent claim 1, as submitted in this paper, to Examiner Hayes, who indicated that such amendments to claim 1 would put claim 1 in condition to be allowable over U.S. Patent No. 5,993,423 to Choi.

Rejection of Claim 15 under 35 USC § 112

Claim 15 has been rejected under the second paragraph of 35 USC § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The patent office submits that claim 15 omits essential elements or structural relationships, such that there is a gap between the elements or the necessary structural connections, and that the omitted elements are: those required in order to have the plunger move in only a single direction on the lead screw.

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In response, applicant has amended claim 15 to add a structural relationship to cause the plunger to only move in a single direction. In particular, claim 15 has been amended to add that the lead screw is rotated in a single direction so that the plunger is movable in a single direction on the lead screw.

Applicant, therefore, respectfully submits that claim 15 as currently amended particularly points out and distinctly claims the subject matter which applicant regards as the invention as required by the second paragraph of 35 USC § 112. Applicant, therefore, respectfully requests reconsideration and withdrawal of the rejection of claim 15 under the second paragraph of 35 USC § 112.

Drawings

The drawings have been objected to under 37 CFR 1.83(a). The patent office submits that the drawings do not show the dispenser coupled to the plunger and therefore do not show every feature of the invention specified in the claims. Applicant respectfully traverses this rejection and submits that the drawings do show the dispenser coupled to the plunger. For example, Fig. 11 of the present application shows a dispenser provided in the form of a motor 262 mounted within a plunger 264. The motor 262 includes an outer portion 266 secured to the plunger 264 and an inner portion 268 threadedly engaging the lead screw 202, which is fixed for non-rotation within the reservoir 30. The outer portion 266 turns the inner portion 268 to move the plunger 264 along the lead screw 202.

Applicant, therefore, respectfully submits that the drawings do show the dispenser coupled to the plunger and therefore do show every feature of the invention specified in the claims as required by 37 CFR 1.83(a). Applicant respectfully requests reconsideration and withdrawal of the objection of the drawings under 37 CFR 1.83(a).

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Election/Restriction Requirement

Claims 4-6, 9-14, 16-17 and 19-22 have previously been withdrawn as being drawn to a non-elected species. However, applicant respectfully submits that the generic claim, claim 1, is allowable and requests consideration of claims 4-6, 9-14, 16-17 and 19-22 upon allowance of claim 1.

Applicant submits that claims 1-23 are in condition for allowance.

In view of the amendments and remarks submitted herein, applicant believes that all claims pending in the application are in condition for allowance and respectfully request such allowance. If a telephone conference will expedite prosecution of the application the Examiner is invited to telephone the undersigned.

Respectfully submitted,
McDermott, Will & Emery



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